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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Gabon

1. The Committee considered the second to ninth periodic reports of Gabon (CERD/C/315/Add.1), at its 1286th and 1294th meetings, on 10 and 14 August 1998. At its 1299th and 1301st meetings, on 19 and 20 August 1998, it adopted the following concluding observations.

A. Introduction

2. Although the Committee welcomes the submission of the report by the State party, it regrets that the report does not follow the general guidelines established by the Committee for the presentation of reports. While the Committee understands that factors beyond the control of the Government of Gabon impeded the presence of a State party delegation at the examination of the report, it welcomes the oral replies made by the State party's representatives at a later stage and the readiness of the Government of Gabon to resume its dialogue with the Committee.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that Gabon is going through a difficult economic period and that limits on resources available in the public service have hampered the full implementation of the Convention.

C. Positive aspects

4. Gabon's accession to the major international human rights instruments, including the 1981 African Charter on Human and People's Rights, is welcomed by the Committee.

5. The Committee welcomes the fact that the Convention was incorporated into the Constitution of Gabon in April 1997.

6. The establishment of the Ministry for Human Rights, which has the mandate to implement the Government's human rights policy and to coordinate the steps undertaken in this area, is welcomed by the Committee. More information concerning this institution would be appreciated.

7. The State party's achievements in the field of education, especially its high school attendance rate, are welcomed.

D. Principal subjects of concern

8. The Committee notes the insufficiency of the information on the demographic composition of the population, including the composition of the foreign community and indigenous Pygmy groups.

9. The Committee, while noting with satisfaction that the Constitution of Gabon establishes that all acts of racial discrimination are punishable by law, expresses its concern at the lack of information on the implementation of article 4 of the Convention, especially on how this principle is reflected in other domestic legislation (for example, the Penal Code) and applied by judges, lawyers and civil servants.

10. Although the Committee notes that the Constitution of Gabon provides for the enjoyment of rights contained in the Convention, it is still concerned at the lack of information on the protection of all the rights enumerated in article 5 of the Convention.

11. While the Committee notes the role of the judiciary in efforts to eliminate racial discrimination, it is concerned at the lack of information on the existence of available legal mechanisms to lodge complaints in cases of racial discrimination, and that members of the public may not be sufficiently aware of the protection against racial discrimination provided by the Convention. In this connection, the lack of information on complaints concerning racially motivated offences as well as the absence of lawsuits in courts claiming racial discrimination may indicate that awareness of the Convention is not high among judges, lawyers and the public at large.

12. With respect to article 7 of the Convention, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aiming at raising their awareness of problems related to racial discrimination, is regretted.

E. Suggestions and recommendations

13. The Committee recommends that the State party, in its next report, provide fuller information on the demographic composition of the population in the light of paragraph 8 of the reporting guidelines.

14. The Committee requests the State party to provide information in its next periodic report on the implementation of article 4 of the Convention, especially on how this principle is reflected in domestic legislation (for example, the Penal Code) and is applied by judges, lawyers and civil servants.

15. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of economic, social and cultural rights under article 5 (e).

16. Emphasizing the role of the judicial system in eliminating racial discrimination, the Committee requests the State party to provide information in its next periodic report on the existing legal mechanisms available to lodge complaints in cases of racial discrimination. Additionally, the Committee requests the State party to provide information on measures undertaken or envisaged for improving public awareness of the Convention.

17. In connection with the implementation of article 7 of the Convention, the Committee recommends that the State party take all necessary measures to ensure the training and education of law enforcement officials, teachers, social workers and students in the prevention of racial discrimination, and to include the teaching of human rights in school curricula.

18. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee requested that the possibility of such a declaration be considered.

20. The Committee suggests that the Government of Gabon may wish to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the United Nations High Commissioner for Human Rights, with the aim of submitting a comprehensive report in accordance with the reporting guidelines.

21. The Committee recommends that the State party's next periodic report, due on 30 March 1999, be a comprehensive report and that it address all the points raised in these concluding observations and during the consideration of the report.